

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KYLE P. CALHOUN,

Plaintiff

Case No. 3:24-cv-00421-MMD-CSD

ORDER

v.

BRAD POPE, et al.,

Defendants

Plaintiff Kyle Calhoun ("Plaintiff") files a motion seeking to sever his claims and a motion for enlargement of time. (ECF Nos. 7, 8). The Court will address each motion below.

I. Motion to Sever Claims (ECF No. 8)

In his motion, Plaintiff requests that the Court sever each claim contained in his now-dismissed complaint (ECF No. 3-1) into six separate lawsuits. (ECF No. 8 at 1). Severing Plaintiff's claims is improper because the Court has already dismissed the complaint without prejudice with leave to amend, and it would cause confusion. Therefore, the Court denies the motion to sever without prejudice.

If Plaintiff wishes to pursue the claims in his dismissed complaint, he should file an amended complaint in this action by following the instructions in the screening order (ECF No. 3). And for any other claims that were not properly joined, Plaintiff may file individual lawsuits to pursue those claims. The Court will not sever the claims on his behalf.

II. Motion for Enlargement of Time (ECF No. 7)

In its last order, the Court partially granted Plaintiff's first motion for an extension of time to file an amended complaint. (ECF No. 6 at 2). In his second motion seeking an extension, Plaintiff requests an additional sixty days to file an amended complaint for the following reasons: (1) he filed a motion to sever; (2) the defendants in this matter are retaliating against him, making it difficult to litigate this case; and (3) he is suffering from various mental and physical conditions. (ECF No. 7 at 1).

1 For good cause shown, the Court grants his motion in part and denies it in part.
2 Plaintiff shall file an amended complaint by **July 3, 2025**.

3 **Conclusion**

4 **IT IS THEREFORE ORDERED** that Plaintiff's motion to sever (ECF No. 8) is
5 denied without prejudice.

6 **IT IS FURTHER ORDERED** that Plaintiff's second motion for enlargement of time
7 (ECF No. 7) is **GRANTED IN PART and DENIED IN PART**.

8 **IT IS FURTHER ORDERED** that Plaintiff shall file an amended complaint by
9 **July 3, 2025**.

10 **IT IS FURTHER ORDERED** that the Clerk of the Court will send to Plaintiff the
11 approved form for filing a § 1983 complaint and instructions for the same. If Plaintiff
12 chooses to file an amended complaint, he should use the approved form and mark "First
13 Amended Complaint" in the caption.

14 **IT IS FURTHER ORDERED** that, if Plaintiff fails to timely comply with this order,
15 this case will be subject to dismissal without prejudice for failure to state a claim.

16 DATED: June 3, 2025.

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18 UNITED STATES MAGISTRATE JUDGE